



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

July 16, 2019

Send by Email

Aarian Marshall

Re: FOIA-2019-00976

Dear Ms. Marshall:

This is in response to your Freedom of Information Act (FOIA) request, received by our FOIA office on June 12, 2019, for "[a]ny internal Facebook emails submitted to the FTC as part of its ongoing investigation into privacy practices."

If any records responsive to your FOIA request exist, they would exempt from disclosure pursuant to FOIA Exemption 7(A). This exemption protects "records or information compiled for law enforcement purposes" when production of that information "could reasonably be expected to interfere with enforcement proceedings." 5 U.S.C. § 552(b)(7)(A). The types of "enforcement proceedings" to which Exemption 7(A) is applicable include pending criminal and civil litigation, as well as investigations.¹ As your request makes clear, you seek records compiled as part of an "ongoing investigation." Because disclosure of such records could reasonably be expected to harm pending enforcement proceedings, I am denying your request in full pursuant to Exemption 7(A).²

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580, or via email at FOIAAppeal@ftc.gov, within 90 days of the date of this letter. Please enclose a copy of your original request and a copy of this response.

You also may seek dispute resolution services from the FTC FOIA Public Liaison Richard Gold via telephone at 202-326-3355 or via e-mail at rgold@ftc.gov; or from the Office of Government Information Services via email at ogis@nara.gov, via fax at 202-741-5769, or via mail at Office of Government Information Services (OGIS), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740.

¹ See, e.g., *Judicial Watch v. Rossotti*, 285 F. Supp. 2d 17, 29 (D.D.C. 2003) (concluding that documents related to an ongoing civil investigation are exempt under Exemption 7(A)).

² See generally *Crooker v. ATF*, 789 F.2d 64, 67 (D.C. Cir. 1986) (providing that when records responsive to a FOIA request relate to ongoing enforcement proceedings, the agency may assert 7(A) categorically, and make generic determinations that disclosure would interfere with those proceedings).

If you have any questions about the way we are handling your request or about the FOIA regulations or procedures, please contact Francis Conlon at 202-326-2930.

Sincerely,

A handwritten signature in black ink, appearing to read "Dione J. Stearns". The signature is written in a cursive, flowing style with a large initial "D".

Dione J. Stearns
Assistant General Counsel